

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

United States of America  
v.

Melanie FRANCO RIOS

Case No. 3:25-mj-00039

*Defendant(s)*

**CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 25, 2025 in the county of Montgomery in the  
Southern District of Ohio, the defendant(s) violated:

*Code Section*  
Title 8, USC, s. 1326(a)-(b)

*Offense Description*  
reentry of previously removed alien with prior felony conviction

This criminal complaint is based on these facts:

See Attached Affidavit of Tyler Simpson

☒ Continued on the attached sheet.

*Tyler Simpson*  
*Complainant's signature*

Tyler Simpson, SA of HSI  
*Printed name and title*

Sworn to by reliable electronic means -- namely, telephone.

Date: January 28, 2025

City and state: Dayton, Ohio

*Caroline H. Gentry*  
Caroline H. Gentry  
United States Magistrate Judge



**A F F I D A V I T**

I, Tyler Simpson, being duly sworn, do hereby depose and say:

1. I am a Special Agent (“SA”) with the United States Department of Homeland Security Investigations (“HSI”). I have been with HSI, since September 2023. In April of 2024, I completed the Homeland Security Special Agent Training academy, where I was trained in immigration law, criminal law, and criminal procedure. I served as a police officer for the Miami Township Police Department in Montgomery County Ohio from September 2012 until September of 2023. I worked as a Task Force Officer with HSI starting in August of 2019 until August of 2022.

2. This affidavit is made in support of a criminal complaint and arrest warrant for Melania FRANCO RIOS (hereinafter referred to as “FRANCO RIOS”), charging her with violating Title 8, United States Code, Section 1326(a)-(b) (reentry of previously removed alien with prior felony conviction).

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from official documents, other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into this matter.

**SUMMARY OF PROBABLE CAUSE**

4. On or about January 26, 2025, local police contacted federal immigration authorities concerning an ongoing traffic stop in Sugarcreek Township, Ohio. According to local police, they had stopped a vehicle for a traffic violation, and one of its occupants – later identified as Melania FRANCO RIOS – could not provide an identification such as a driver

license or state identification card. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Deportation Officers (DOs) responded to the stop and, using a mobile fingerprinting device, scanned one or more of FRANCO RIOS's fingers for her prints. One or more of her prints were run against an immigration database, and one or more prints returned as belonging to Melania FRANCO RIOS, a citizen of Mexico who previously had been removed from the United States in 2022.

5. ERO assumed custody of FRANCO RIO to process her for "Reinstatement of Removal." Notably, during that process, Melania FRANCO RIOS signed a document under the name of Melania FRANCO RIOS. ERO agents also reviewed a photograph of Ms. FRANCO RIOS from her 2022 removal and that image matched her current appearance, further confirming her identity.

6. On or about January 27, 2025, I reviewed: DHS databases and indices concerning aliens as well as court documents from *United States v. Melanie Franco Rios*, Case No. 5:22CR1073, a case in which Ms. FRANCO-RIOS was convicted of a felony in the United States District Court for the Southern District of Texas. From these sources, I learned the following information:

a. On or about July 27, 2022, the United States District Court for the Southern District of Texas issued a criminal complaint against Ms. FRANCO-RIOS for a violation of Title 18, United States Code, Section 1001. On or about August 23, 2022, a federal grand jury in that district indicted FRANCO-RIOS for, among other things, a violation of Title 18, United States Code, Section 1546(a), misuse of documents to enter the United States, a felony offense under federal law. On or about October 11, 2022, Ms. FRANCO RIOS ultimately pleaded guilty to that felony violation of Title 18, United States Code, Section 1546(a). In doing

so, she signed and acknowledged as true and correct the following statement of facts which confirmed her Mexican citizenship:

On or about July 26, 2022, MELANIA FRANCO RIOS applied for admission into the United States at the Lincoln Juarez Port of Entry in Laredo, Texas, as a passenger in a vehicle. At primary inspection, MELANIA FRANCO RIOS presented to CBP Officer Jasmine Montoya, an Alabama birth certificate bearing the name of V.F.R and claimed to be such person. MELANIA FRANCO RIOS stated to this officer she was a United States Citizen. MELANIA FRANCO RIOS stated she was traveling to Laredo, Texas to meet with her sisters.

During secondary inspection, MELANIA FRANCO RIOS stated she wanted to tell the truth and wrote down her true name. Following rights advisement and waiver, MELANIA FRANCO RIOS identified herself as Melania FRANCO-Rios, an undocumented citizen of Mexico born in Miahuatlan, Oaxaca, Mexico. MELANIA FRANCO RIOS admitted she took the Alabama birth certificate from her sister without her knowledge. MELANIA FRANCO RIOS stated she intended on using the document to travel to the United States to work. MELANIA FRANCO RIOS admitted that she knew it was against the law to present someone else's documents in order to gain entry into the United States.

b. On or about October 17, 2022, the United States District Court for the Southern District of Texas sentenced Ms. FRANCO RIOS to 81 days of imprisonment for this felony offense.

c. Based on information from HSI immigration databases, during October 2022, FRANCO RIOS was released from the Marshal's custody in the above-referenced case to immigration authorities; pursuant to an order of removal, she was removed from the Southern District of Texas to her native country of Mexico on or about October 24, 2022.

7. On or about January 27, 2024, I also reviewed government immigration indices that track lawful entries into the United States. Those indices indicated that there is no record of Ms. FRANCO RIOS lawfully entering the United States, nor has she applied for nor obtained permission from the Attorney General of the United States or her designated successor, or the

Secretary of Homeland Security, to re-enter the United States legally following her removal from the United States in 2022. Further, I conducted checks in a database known as the Computer Linked Application Information Management System (“CLAIMS”). This database tracks all applications made by foreign nationals for admission into the United States, as well as applications for adjustment of status by those who have already been admitted into the United States. This check yielded negative results for any application of admission by FRANCO RIOS.

8. Based on the foregoing facts, there is probable cause to believe that Melania FRANCO RIOS has violated Title 8, United States Code, Section 1326(a)-(b) (reentry of previously removed alien with prior felony conviction).

*Tyler Simpson*  
\_\_\_\_\_  
Tyler Simpson  
Special Agent- HSI

By telephone  
Subscribed and sworn to before me on this 28th day of January, 2025.

*Caroline H. Gentry*  
\_\_\_\_\_  
Caroline H. Gentry  
United States Magistrate Judge

The seal of the United States District Court for the Southern District of Ohio is circular. It features an eagle with spread wings perched on a shield with vertical stripes. Above the eagle is a constellation of stars. The words "UNITED STATES DISTRICT COURT" are written in a circle around the top, and "SOUTHERN DISTRICT OF OHIO" is written around the bottom.